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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,065	10/13/1999	STEFAN B. EDLUND	AM9-99-066	6940
23334	7590	07/16/2004	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/417,065

Applicant(s)

EDLUND ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on April 2, 2004, which paper has been placed of record in the file.
2. Claims 19-31 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 19-31 have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojha et al, U.S. Patent No. 6,598,026.

Regarding to claim 19, Ojha teaches the buyer can enter a product purchase request (column 9, lines 18-55), communicate with multiple merchant auction sites to submit bids for the same item (see figures 8-9 and column 11, lines 5-35). It is obvious that with the figures 8-9, the buyer can determines if the product purchase request is available, determining if a current bid from the merchant auction site is below a limit maximum permitted that the buyer can afford, and placing a bid for the product purchase request with the merchant

auction site. Moreover, the Ojha's system automatically other negotiations when the bid is accepted (column 18, lines 24-30). Because the buyer always wants the lowest price for the product, thus, for example, when the buyer win the auction at the lowest price at Merchant 1 (figures 8-9), it is obvious that the buyer can cancel the outstanding bid at another auction websites, e.g. Merchant 4, Merchant 6. If the buyer is outbid at the selected auction websites, the buyer continues to visit another auction websites to obtain the buyer's need. Therefore, it would have been obvious to modify Ojha's to include the feature above for the purpose of obtaining the product with the lowest price to satisfy the buyer's need by conducting the auction at the multiples merchant websites.

Moreover, it is well-known in the art to register the buyer at one merchant website to obtain a buyer identification and password. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Ojha's for the security purpose.

Note that the recitation "without user interaction" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Moreover, "to register at a plurality of auction sites to obtain a user identification and/or password", "to enter a product purchase request" recited in the body of the claim, in fact, required the interaction of the buyer (see specification page 9, lines 10-15).

Regarding to claim 20, Ojha further discloses wherein one or more of method steps is implemented using a personal computer (figure 1, column 8, lines 49-67).

Regarding to claims 21-22, Ojha further discloses searching a manufacturing resource and/or inventory planning system for a product purchase request (column 9, lines 18-55).

Regarding to claim 23, Ojha further discloses merchant site is an Internet-based web merchant site (column 8, lines 54-58).

Regarding to claim 24, it is obvious to prioritize bid placement to permit only the lowest cost auction sites to be utilized in the bidding process. As discussed in claim 19, because the buyer always wants to purchase a product with the lowest price, so the buyer will choose the lowest cost auction sites to place a bid for the product. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the features above with Ojha's for the purpose of obtaining the product with lowest price by the buyer.

Claims 25-30 are written in means that are parallel the limitations found in claims 19-24, as discussed above, therefore are rejected by the same rationale.

Claim 31 is written in computer software that are parallel the limitations found in claim 19 as discussed above, therefore is rejected by the same rationale.

Conclusion

6. Claims **19-31** are rejected.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone

number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

8. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

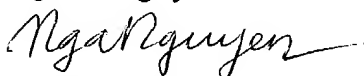
(703) 872-9326, (for formal communications intended for entry)

or:

(703) 308-3961 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



July 9, 2004